

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 21 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOHN H. TODD,

Plaintiff-Appellant,

v.

GALE A. MCMAHON; et al.,

Defendants-Appellees.

No. 22-36013

D.C. No. 1:15-cv-01091-MC  
District of Oregon,  
Medford

ORDER

Before: PAEZ, WATFORD, and FORREST, Circuit Judges.

Appellant's reply filed on January 30, 2023, is construed as a motion to withdraw the motion for voluntary dismissal of this appeal. So construed, the motion to withdraw is granted. The motion for voluntary dismissal (Docket Entry No. 8) is withdrawn.

The district court certified that this appeal is not taken in good faith and revoked appellant's in forma pauperis status. *See* 28 U.S.C. § 1915(a). On December 21, 2022, the court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record and the responses to the court's December 21, 2022 order, we conclude this appeal is frivolous. We therefore dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

No further filings will be entertained in this closed case.

**DISMISSED.**